

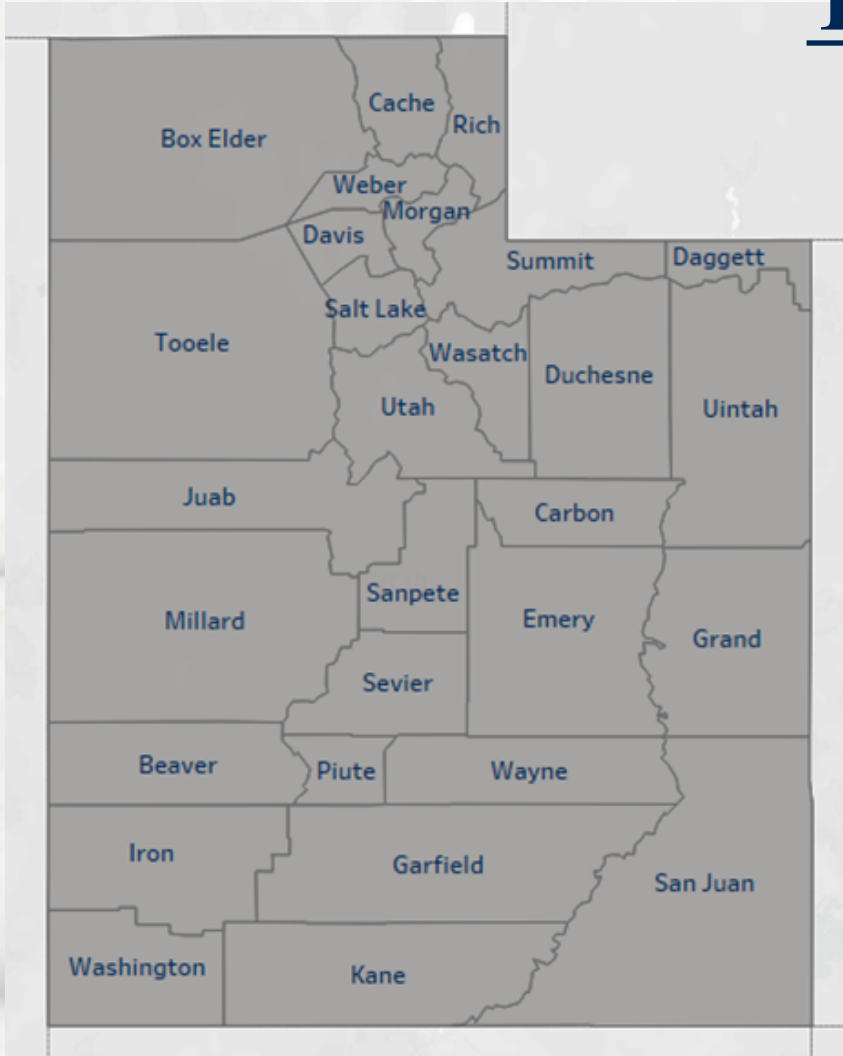


# **UTAH INDIGENT DEFENSE COMMISSION FY22 PRIORITIES**

OCTOBER 2020 PRESENTATION TO THE  
INTERIM JUDICIARY COMMITTEE OF THE  
UTAH LEGISLATURE

## The Right to Counsel in Utah

- In the Bill of Rights since 1791.
- In Utah Territorial laws ~1888.
- In Article 1 of the UT Constitution since 1895.
- A local responsibility until 1963.
- A state & local partnership since 2016.
- Minors, indigent adults, parents.







# Utah Indigent Defense Commission

**The Utah Indigent Defense Commission (IDC) protects constitutionally guaranteed liberties through ongoing support for effective indigent defense services throughout the state.**

- States have undertaken criminal justice reforms like Utah—focused on back-end reform (release, sentencing, supervision).
- ~80% of Utah's criminal cases have public defenders.
- Defense helps at the front & back ends of cases (pre-trial & revocation) & defense-based social workers amplify the impact.
- Including defense in reforms provide the best-informed criminal justice policy recommendations.
- Improving the consistency and effectiveness of public defenders at all stages will help achieve accountability, and improve the efficacy, fairness, & costs of our criminal justice system.





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# 2020 Judiciary Interim Committee

Meetings

Members

Legislation

Overview

Studies and  
Recommendations

Related Links

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## Indigent Defense Study

Judiciary Interim Committee



Mon. Jun 15, 9:00 AM (Electronic Meeting)



Notice



Agenda

Approved Minutes



PDF | With Audio Links

Audio/Video

Hide Meeting Material List

- Summary - Open and Public Meetings Act
- 2a - 2020 Interim Study Items
- 3a - Tolling Amendments - Letter
- 5a - Calls for Legislative Action - Table
- 5b - Calls for Legislative Action - PowerPoint
- 6a - Draft Legislation - Uniform Electronic Wills Act
- 6b - Summary - Uniform Electronic Wills Act
- 6c - Letter - Uniform Electronic Wills Act
- 7a - Utah Indigent Defense Issue Brief
- 7b - Indigent Defense Presentation

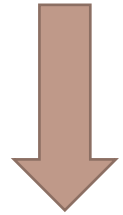


### LFA identified issues and recommended:

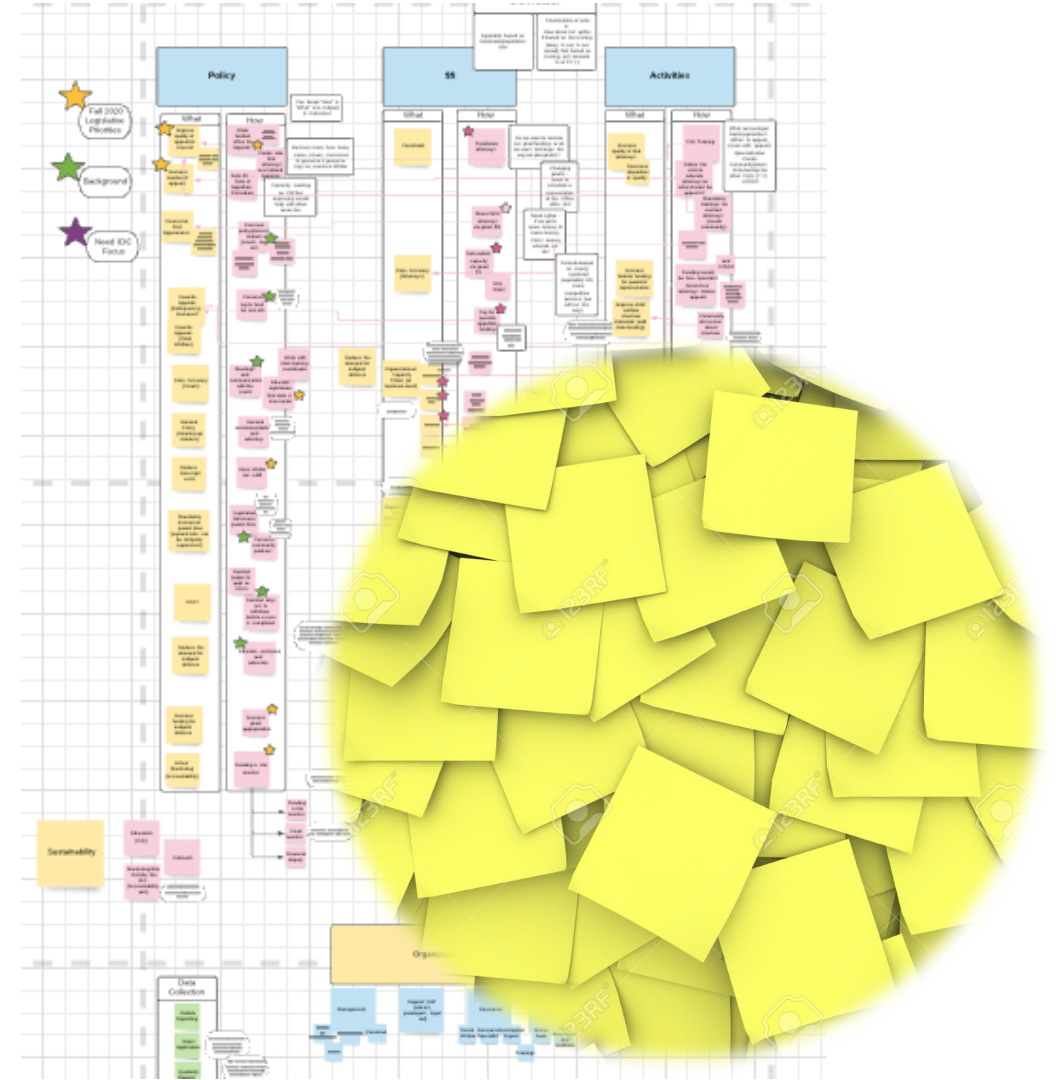
- Legislative study. Indigent defense issues including: funding, best practice, system design, *strategic plan*, etc.
- Appropriations. Increase & cap up to \$20m ongoing over 3 years.
- IDC Priorities. *Identify priorities* & reports on compliance including local challenges of meeting state standards.
- Review. Regular reports and *overall review* over 3-5 years. Consider additional state control if outcomes are in adequate.



# Utah Indigent Defense Commission



## INTERNAL STRATEGIC PLANNING







# Utah Indigent Defense Commission

## Strategic Planning Process Summary

- **2016 – 2020** We have learned a lot.
- We work to achieve our mission, mandates, & goals.
- We work to through: **Policy, Funding, & Staff Activities.**
- We have experimented with ways to achieve changes.
- What priorities can we focus on to demonstrate accountability, sustainability, and help Utah continue its criminal justice improvements?



# Utah Indigent Defense Commission

## Policy

### Priority:

Help state & local justice systems function better by ensuring the presence & effectiveness of Utah's appointed attorneys at all stages.

## Funding

### Priority:

Maintain and restore indigent defense funding to ensure progress & sustainability.

Target independent, local accountability for indigent defense services.

## Activities

### Priority:

Continue staff activities that support funding & policy work.





# Utah Indigent Defense Commission

## Policy

### Priority:

Help state & local justice systems function better by ensuring the presence & effectiveness of Utah's appointed attorneys at all stages.

- **Justice Court Reform Taskforce:** Justice courts handle 60% of the criminal cases in Utah – inconsistencies hamper indigent defense improvements.
- **Court Rules & Forms:** Court rules should enhance statutory requirements & court forms help with application.
- **Legislation:** study/workgroups to think about statutes that may help or hinder IDC efforts – CAFA/Revocation.
- **Education & Collaboration:** with local governments, state entities, defenders, additional stakeholders.



# Utah Indigent Defense Commission

## Funding

### Priority:

Maintain and restore indigent defense funding to ensure progress & sustainability.

Target independent, local accountability for indigent defense services.

### How the IDC will Prioritize Funding

- **Maintain** budget for staff & grants – (only people after FY21 cuts).
- **Restore** funding for Appellate Defense Division for 3<sup>rd</sup>-6<sup>th</sup> class counties.
- **Prioritize** any other restored funding to:
  - Promote independent local management/accountability for indigent defense services (state & local partnership).
  - Our shared priorities will be helped by independent local management of public defense services (data & oversight)
  - Research shows, better organization & structure helps public defenders achieve **better outcomes** & **reduce justice system costs**.





# Utah Indigent Defense Commission

## Activities

### Priority:

Continue staff activities that support funding & policy work.

### IDC Staff Activities and Outreach

- Improve **data quality** to increase accountability from defenders and other system partners.
- Improve state/local **grant program** – to ensure grants are tied to **oversight and accountability**.
- Provide **local training & technical assistance** for systems – to ensure better local management and compliance.
- Provide **statewide free CLE training** for public defenders –to increase effectiveness and address gaps.



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